

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

IN RE: UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
STATE OF NEW YORK, et al.,)	
)	
Plaintiff-Intervenors,)	
v.)	No. 3:05-mc-29
)	(Varlan/Shirley)
CINERGY CORP.. et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Docs. 6, 10] of the Honorable Thomas A. Varlan, United States District Judge, for consideration of the Plaintiff's Petition for Issuance of an Order for the Release of Employment Records Held by the Tennessee Valley Authority Concerning Michael Hekking [Doc. 1] and the Motion for Dismissal filed by the United States [Doc. 7]. The undersigned heard the parties in oral argument on September 15, 2005.

For the reasons stated in open court, the transcript of which is attached hereto as Exhibit A, it is **RECOMMENDED** that the Motion for Dismissal filed by the United States [Doc. 7] be **GRANTED** and that the Plaintiff's Petition for Issuance of an Order for the Release of

Employment Records Held by the Tennessee Valley Authority Concerning Michael Hekking [Doc.

1] be **DISMISSED** for lack of jurisdiction.¹

Respectfully submitted,

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge

¹Any objections to this report and recommendation must be served and filed within ten (10) days after service of a copy of this recommended disposition on the objecting party. Failure to file objections within the time specified waives the right to appeal the District Court's order. Thomas v. Arn, 474 U.S. 140 (1985). The District Court need not provide de novo review where objections to this report and recommendation are frivolous, conclusive, or general. Mira v. Marshall, 806 F.2d 636, 637 (6th Cir. 1986). Only specific objections are reserved for appellate review. Smith v. Detroit Federation of Teachers, 829 F.2d 1370, 1373 (6th Cir. 1987).